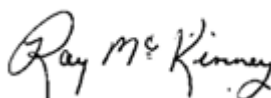


EFFECTIVE DATE: 5/25/06

EXPIRATION DATE: 03/31/08  
(Re-issuance of I03-V-10)

PROCEDURE INSTRUCTION LETTER NO. I06-V-04

FROM: RAY McKINNEY  
Administrator for  
Coal Mine Safety and Health



SUBJECT: Procedures for Impoundments Ancillary to Mines that are in an Inactive  
or Abandoned Status

### **Scope**

This Procedure Instruction Letter (PIL) applies to Coal Mine Safety and Health (CMS&H) District Managers, Supervisors, Specialists and Inspectors whose duties include inspections and enforcement activities at impoundment sites.

### **Purpose**

This PIL provides guidance for district enforcement personnel when a mine operator decides to temporarily or permanently close a mine or preparation plant, and an impoundment exists as part of that mine. As long as there is an active impoundment associated with that mine, an abandoned or abandoned and sealed status should not be applied to that operator. This PIL also provides guidance on how the district should administer its impoundment program for optimal communications between technical branches.

### **Procedure Instructions**

In order for a mine operator to close and abandon a mine, the operator must submit appropriate documentation to the Mine Safety and Health Administration (e.g. status change reports for dust sampling, and underground mine abandonment and closure map). Once the notification has been submitted, the district manager shall ensure that all impacted branches in the district (impoundment, roof control or ventilation departments) are notified that the mine is either being closed or abandoned. The district manager shall also ensure that the underground mine openings are sealed in accordance with Title 30, Code of Federal Regulations (CFR) 75.1711.

The impoundment supervisor shall ensure that a specialist(s) conducts a thorough inspection of any ancillary impoundment to the mine that is to be closed. District personnel shall also make every effort to encourage the mine operator to abandon any such ancillary impoundment in accordance with 30 CFR 77.216-5(a), or legally transfer it to another responsible party in compliance with 30 CFR 77.216-5(b).

If such an impoundment is being transferred, the district manager shall ensure that the appropriate State Authority or the U.S. Office of Surface Mining (OSM) is notified and provided with all available documentation. In turn, the Authority taking the responsibility must approve the transfer and must permit the continued existence of the impoundment until the reclamation bond has been satisfied. The district manager must ensure that proper documentation exists, and, if possible, that no 'orphan' sites are left in place. Subsequent to an impoundment transfer and proper notification from the Regulatory Authority, the district shall retire its records according to regulations.

If an impoundment is not abandoned by the mine operator, the district manager shall ensure that the operator continues to inspect the impoundment in accordance with 30 CFR 77.216-3, and submits an annual certification in accordance with 30 CFR 77.216-4. The district shall encourage any previous underground operator to apply for a surface-mine Federal Mine Identification Number for such an impoundment. The district shall continue to inspect the impoundment and issue citations/orders where appropriate.

When it is evident that the previous mine operator is unable to inspect and maintain the impoundment, the district manager shall notify and communicate with the appropriate State Authority or OSM, and assist until the impoundment has been transferred for oversight and proper abandonment. At this time, the district shall retire its records according to regulations.

### **Background**

CMS&H has been made aware that inconsistencies have existed with respect to communications within the district branches when a mine is being closed or abandoned. In addition, efforts to simultaneously abandon an active impoundment when a mine is closed, have not been consistent and have resulted in a number of "orphan" sites. Where such a mine had an active impoundment in place, past practices should only have assigned an active non-producing or temporarily idle status to that mine operator.

### **Authority**

Federal Mine Safety and Health Act of 1977; 30 CFR 77.216-4; and 30 CFR 77.216-5.

**Filing Instructions**

This instruction letter should be filed behind the tab marked "Procedure Instruction Letters" in the binder for Program Policy Handbooks and Procedure Instruction Letters.

**Issuing Office and Contact Person**

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